



MONTHLY HIGHLIGHTS

**NOAA
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
HABITAT CONSERVATION DIVISION**

JANUARY 2000

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

ESSENTIAL FISH HABITAT WEB SITE

Habitat Conservation Division (HCD) staff have been working on a facelift to the HCD web site Home Page as well as adding substantial information on Essential Fish Habitat (EFH). There is now an EFH page that provides important information on EFH, including the Guide to EFH Designations, Guide to EFH Species Descriptions, Applicants Guide to EFH Consultations, and many more useful links. The Guide to EFH Designations provides an EFH species lists summarized by 10 minutes longitude by 10 minutes latitude squares as well as summaries for many estuaries. The Guide to EFH Species Descriptions provides the actual EFH descriptions and preferred habitat parameters for each species and life stage that has EFH designated in the Northeast. The Applicants Guide provides all the necessary EFH information for people applying for a permit from a federal agency. This guide walks the applicant through the EFH consultation process by providing the requirements for developing an EFH Assessment and examples of completed assessments and other documentation, as well as many informative links related to the EFH consultation process. It is anticipated that the improved HCD web site will be operational by the end of February. The HCD web site address has not changed and can be found at:

<http://www.nero.nmfs.gov/ro/doc/hcd.htm>

HCD would like to specifically thank Paul Jones and Ray Santos for their assistance in developing the web pages. (Lou Chiarella, 978/ 281-9277, Lou.Chiarella@noaa.gov; Jill Ortiz, 978/ 281-9312, Jill.Ortiz@noaa.gov)

NAVIGATION DREDGING IN NEW HAMPSHIRE

The Army Corps of Engineers (ACOE) is in the process of developing Environmental Assessment documents for two navigation projects, Piscataqua River-Simplex Reach, and the Cocheco River. Both projects will require an EFH assessment to be prepared for an EFH consultation. Although the dredging in the Piscataqua River is dealing primarily with clean sand, the EFH issues are revolving around an appropriate time-of-year restriction as well as potential impacts from proposed in-river disposal. The issues surrounding the dredging of the Cocheco River are related to the disturbance of contaminated sediments. Disposal from this project is proposed to be landfilled. HCD staff will be working closely on both of these projects to ensure

protection of EFH. In addition to these two projects, the ACOE has been pursuing the dredging of Little Harbor which involves the removal of approximately seven acres of eelgrass to re-establish a mooring field. The ACOE has just finalized a contract with Dr. Fred Short of the University of New Hampshire to develop and implement an eelgrass mitigation project. Mitigation for this project was only provided due to the vigilance of the federal resource agencies. (Lou Chiarella, 978/ 281-9277, Lou.Chiarella@noaa.gov)

NEFMC APPROVES SCALLOPING IN CLOSED AREAS

The New England Fishery Management Council (NEFMC) approved options for Framework 13 to the Sea Scallop Fishery Management Plan, including scalloper access to portions of areas closed to bottom fishing for the last five years. The areas had originally been closed to protect groundfish stocks. In addition to limits on days at sea, scallops per trip, and total allowable catch, Framework 13 includes measures that will terminate scalloping in the closed areas when a groundfish bycatch trigger is met. The portions of the closed areas approved for opening were endorsed by the Council's Habitat Oversight Committee. The Habitat Committee recommended against opening any areas that include hard bottom. NMFS must determine whether to approve, disapprove, or partially approve the framework once it is submitted by the Council. A number of environmental organizations oppose the framework action, in part because of potential impacts to EFH. (Dianne Stephan (978/ 281-9397; Dianne.Stephan@noaa.gov)

JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732

DELAWARE BASIN FISHERIES

On January 5, 2000, Stan Gorski attended the Delaware River Basin Commission's Toxic Advisory Committee along with Delaware Basin Fisheries Tech Committee members Pete Himchek, Bob Soldwedel and Bob Kausch. The meeting was held at the Commission headquarters in West Trenton, NJ., where Mike Palermo and Jerry Miller of the ACOE's Waterways Experimental Station presented the results of a study of economic loading with a hopper dredge in the Delaware Bay Federal Navigation Channel. Essentially, they found that economic loading of coarse grained sediments provides for a definite economic advantage with little, if any, adverse environmental effect. However, economic loading of fine grained sediments offers little economic advantage, making such an operation pointless. Even though the overflow from fine grained sediment dredging will probably exceed water quality standards for some parameters, there is little likelihood of adverse environmental effect. Suspended sediments in the overflow will likely settle in the area dredged unless current patterns are strong enough to carry them elsewhere. (Stan Gorski, 732/ 872-3037)

CONNECTIV, MANAHAWKIN BAY

The use of hand-jetting for the installation of the northern undersea cable and the activities outside of the approved cable alignment was not only a violation of Connectiv's permit, but the work also caused severe damage to the eelgrass beds in Manahawkin Bay. The area impacted is designated as a Habitat Area of Particular Concern for summer flounder, and EFH for winter flounder and summer flounder. (see highlights for 11/99)

Habitat staff will be meeting with representatives from Connectiv, ACOE, and Rutgers University Field Station to discuss options for the restoration of eelgrass beds. In addition to the obligation to restore the eelgrass beds, Connectiv will have to pay administrative penalties imposed by the ACOE. **(Anita Riportella, 732/ 872-3116)**

OENJ CHEROKEE CORPORATION

NOAA requested that the Assistant Secretary of the Army for Civil Works review a decision by the New York District Army Corps of Engineers to issue a permit to OENJ Cherokee Corporation for the construction of a ferry terminal and marina in Newark Bay in Elizabeth, New Jersey. The project will result in the loss of 7.4 acres of valuable intertidal shallows. HCD's position is that mitigation is needed for all unavoidable impacts to the aquatic environment. The applicant contended that the area was contaminated. Despite evidence presented by NMFS that fishery resources, including federally managed fish, use the area, and that the coarse sand, shell, and rock in the area to be dredged do not typically contain contaminants, and that the dredged basin would become a sink for contaminated fine grained sediments, the ACOE chose to refuse our request for mitigation for the loss of intertidal habitat. We are still waiting for the ACOE's response to our conservation recommendation that no dredging occur unless mitigation is provided. Given the response to the elevation request, it is unlikely that the ACOE will agree with our conservation recommendations. **(Peter Colosi, 978/ 281-9332; Stan Gorski, 732/ 872-3037 or Karen Greene, 732/ 872-3023)**

HACKENSACK MEADOWLANDS

SPECIAL AREA MANAGEMENT PLAN (SAMP)

The SAMP Environmental Impact Statement (EIS) Subcommittee continues to meet on a weekly basis to complete the final EIS for the SAMP. The schedule has been pushed back again to accommodate last minute additions and changes, including a new revised needs assessment that has been put forth by Hackensack Meadowlands Development Commission (HMDC). Other issues under discussion include effects on EFH, banking of the unmet needs, and coastal zone management policies and the enforcement of the SAMP. Serious concerns remain about the enforceability of the SAMP on entities not under the HMDC's zoning authority. **(Karen Greene, 732/ 872-3023 or Stan Gorski, 732/ 872-3037)**

MEADOWLANDS INTERAGENCY MITIGATION ADVISORY COMMITTEE (MIMAC)

The MIMAC's monthly meeting included a presentation by Dr. Francisco Ortigas from Rutgers University. Dr. Ortigas is the coordinator of the Meadowlands Environmental Research Institute (MERI). HMDC is providing three million dollars over the next five years to MERI to conduct research in the Meadowlands, including baseline monitoring and future monitoring under the SAMP's Environmental Improvement Program. MERI also heads a collaborative effort by Rutgers, the HMDC, and NASA to conduct space-based monitoring of environmental conditions in the Meadowlands. MERI and HMDC will be announcing their research agenda soon, and they were seeking input from MIMAC on research needs. **(Karen Greene, 732/ 872- 3023)**

WETLANDS ASSESSMENT MEETING

The NJ Department of Environmental Protection (NJDEP) hosted a meeting with representative

of the New York and Philadelphia District ACOE, the Environmental Protection Agency, the U.S. Fish and Wildlife Service, and NMFS to discuss potential wetlands assessment methodologies for use outside of the Hackensack Meadowlands. Within the Meadowlands, the Indicator Value Assessment (IVA) methodology (a modified WET method) is used. Outside the Meadowlands, there is no set method. The main concern is for mitigation banks and civil works projects which seek to set mitigation ratios. The NJDEP currently uses an acreage based system. The ACOE has used the Fish and Wildlife Service's Habitat Evaluation Procedure (HEP). All agreed that the HEP alone is not sufficient to determine mitigation ratios, but no one alternative is best. Options include creating IVAs for the state, using the HEP with something else like WET, or Environmental Concern's Evaluation for Planned Wetlands techniques. For now, HEP with something else such as the WET and additional site specific data will be used. Training may be planned for Environmental Concern's method. This is still an evolving issue, and it has not yet been fully resolved. **(Karen Greene, 732/ 872-3023)**

NEW YORK HARBOR SPILL RESTORATION

On January 11, Stan Gorski of HCD, John Catena of the Restoration Center, Gwendolyn Wilkie of NOAA General Council, and New England Fishery Science Center's Bob Reid attended a meeting of the New York Harbor Spill Restoration Committee held in New York City. The meeting focused on financial issues (approximately \$5.3 million still needs to be spent), progress on acquiring and restoring targeted sites, and the difficulties with the piping plover restoration plans undertaken by both New Jersey State and New York State. **(Stan Gorski, 732/ 872-3037; Bob Reid, 732/ 872-3020; or John Catena, 978/ 281-9251)**

MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460

TELECOMMUNICATIONS CABLE PROPOSED

Staff have been coordinating with the project proponents for an international fiberoptic cable that has been proposed for installation between Long Island, New York and France. If constructed as proposed, the cable would make landfall at both the north and south shores of Long Island and traverse state and federal waters through designated Essential Fish Habitat. At the request of the New York District ACOE, the applicant has hired a consulting firm to prepare an EFH Assessment and compile information that will be necessary to conclude an informal Section 7 consultation pursuant to the Endangered Species Act. **(Diane Rusanowsky, 203/ 579-7004; Diane.Rusanowsky@noaa.gov)**

OXFORD, MD OFFICE, 904 SOUTH MORRIS STREET, OXFORD, MD 21654

MOBJACK BAY PROJECT

The project involved the construction of a timber bulkhead, residential community mooring facility with a boat ramp, and extensive dredging in a cove to improve navigable access to the facility, in Mobjack Bay, Mathews County, Virginia. In response to the Public Notice, dated

November 18, 1999, we informed the ACOE that historical Submerged Aquatic Vegetation (SAV) maps revealed the presence of SAV in the subject cove and adjacent Bay waters. We recommended elimination or at least a reduction in the scope of the dredging to minimize the affects on the SAV. Based on our comments, along with comments from the US Fish & Wildlife Service and adjacent property owners, the ACOE revisited the site. As a result of the comments and the ACOE follow up site inspection, the applicant was informed that the project would have to be revised. The applicant agreed to delete all proposed dredging, and relocate the proposed bulkhead landward of all tidal marsh. **(Rod Schwarm, 410/ 226-5771)**

CHINCOTEAGUE BRIDGE REPLACEMENT

This project was coordinated at the August, 1999 Virginia Department of Transportation (VDOT) interagency monthly meeting. We submitted preliminary comments at that time. Although VDOT has not followed up on the preliminary comments or reinstated agency coordination, interest in this project has resurfaced from local, private, and political contacts with members of National Ocean Service and NMFS. There are two alternative locations being considered for the proposed replacement bridge, one south of the existing bridge entering the downtown area and the other well north of the existing location and Marsh Island connecting to Maddox Blvd.. The northern location is much longer and impacts more tidal wetlands and tidal flats. However the northern location is over only a recreational channel, rather than the main navigation channel, and is north of the commercial fishing fleet harbor, which would result in a greatly reduced number of bridge openings. The local population is split on a preferred location. We have stated by letter that our preliminary position favors the southern location due to fewer adverse impacts to the aquatic resources. VDOT has been informed that a Section 7 ESA consultation and an EFH Assessment will be required for either alternative. **(Rod Schwarm, 410/ 226-5771)**